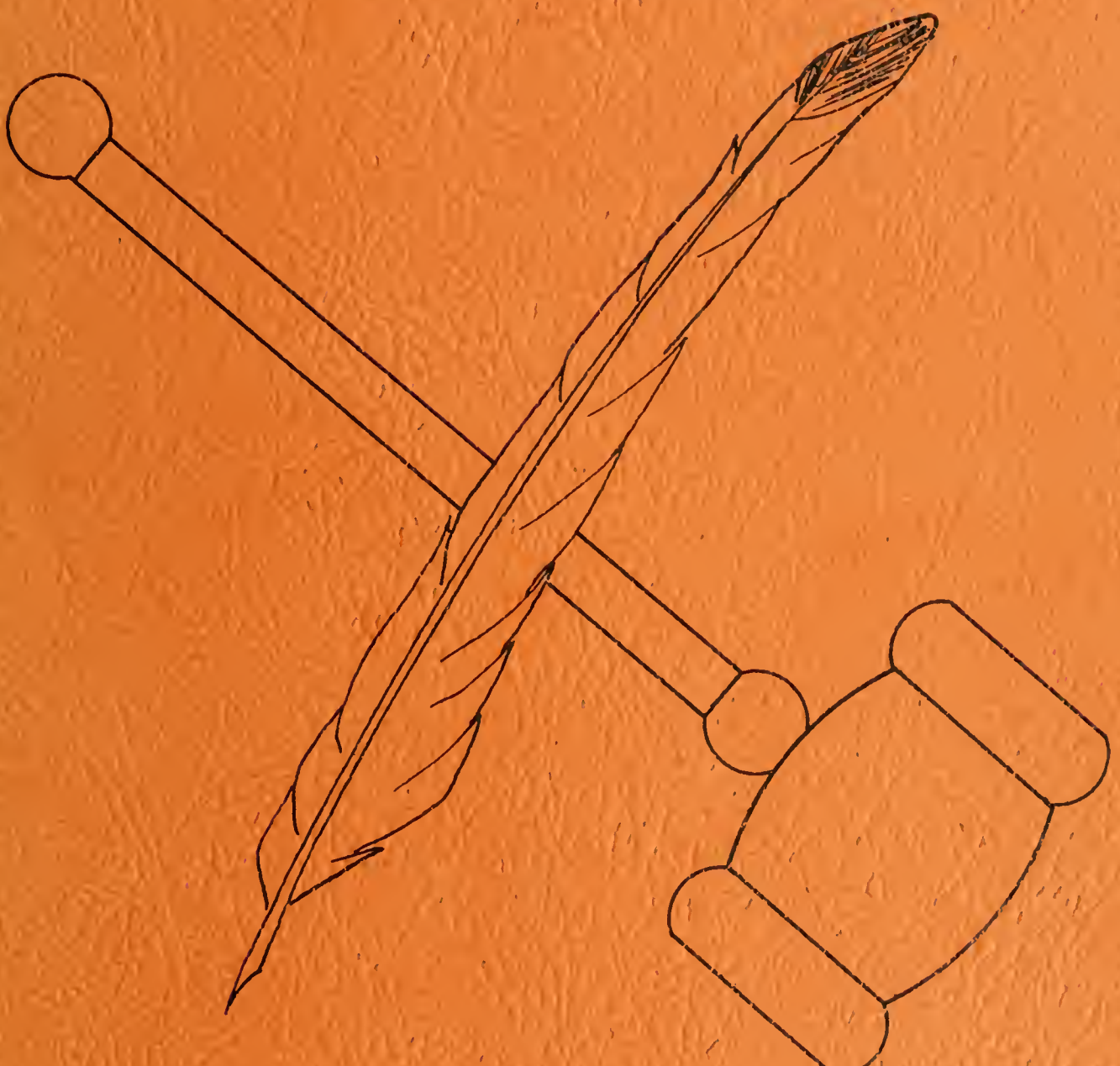
S
312
H2V
1975?
1

VITAL STATISTICS

STATE DOCUMENTS
FEB 2 '77

Laws and Rules



Bureau of Records and Statistics
Montana Department of Health
and Environmental Sciences

Montana State Library
3 0864 1004 2423 6

TABLE OF CONTENTS

Vital Statistics Laws (White Paper) 1-11

Vital Statistics Laws - Index (Yellow Paper) 12-16

Vital Statistics Rules (Pink Paper) 17-30

Vital Statistics Rules - Index (Green Paper) 31-33

69-4401 DEFINITIONS. Unless the context requires otherwise, in this chapter:

(1) "Vital statistics" includes the registration, preparation, transcription, collection, compilation, and preservation of data pertaining to births, adoptions, legitimations, deaths, fetal deaths, marital status, and incidental supporting data.

(2) "Live birth" means the birth of a child who shows evidence of life after being entirely outside the mother.

(3) "Fetal death" means a birth after twenty (20) weeks of gestation which is not a live birth.

(4) "Dead body" means a lifeless human body or parts of a body from which it reasonably may be concluded that death occurred recently.

(5) "Person in charge of interment" means a person who places or causes to be placed, a dead body or the ashes after cremation, in a grave, vault, urn, or other receptacle, or otherwise disposes of the body.

(6) "Physician" means a person legally authorized to practice medicine in this state.

(7) "Local registrar" means a person appointed by the department of health and environmental sciences to act as its agent in administering this chapter in the area set forth in the letter of appointment.

69-4402 STATEWIDE SYSTEM OF VITAL STATISTICS ESTABLISHED BY DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES. The department of health and environmental sciences shall establish a statewide system of vital statistics and adopt rules for gathering, recording, using, and preserving vital statistics.

69-4403 FUNCTIONS, POWERS AND DUTIES OF DEPARTMENT. The department shall:

(1) divide the state into registration districts and change districts as necessary;

(2) gather, record, use, and preserve vital statistics;

(3) enforce rules adopted by the department for gathering, recording, using and preserving vital statistics;

(4) give instructions and prescribe forms for gathering, recording, preserving, and using vital statistics.

69-4404 DISCLOSURE OF DATA IN VITAL STATISTICS RECORDS--INSPECTION OF RECORDS. It is unlawful to disclose data in the vital statistics records of the department, local registrars, or county clerk and recorder unless disclosure is authorized by law and approved by the department. The department may not permit inspection of the records or issue copies of a certificate unless it is satisfied that the applicant has a direct and tangible interest in the data recorded and that the information is necessary for the determination of personal or property rights.

69-4405 DISCLOSURE OF INFORMATION TO GOVERNMENTAL AGENCIES. The board may direct the department to disclose information from its records to federal, state, county, or municipal agencies for use only as prescribed by the board. If no identification of individuals is made, the board may permit the use of data contained in vital statistics records for research purposes.

69-4406 CERTIFIED COPY OF CERTIFICATE--EFFECT OF. Subject to the limitations of sections 69-4404, 69-4405, 69-4417, 69-4419 and 69-4422, the department shall furnish to any applicant a certified copy of a certificate, or part of it, upon request which shall be considered the same as the original.

69-4407 CERTIFIED COPY OF CERTIFICATE--FEE. The department shall prescribe a fee of not less than two dollars ($2) for a certified copy of certificates, or search of files. The department may provide transcripts to the federal agency responsible for vital statistics if it is reimbursed for costs.

69-4408 DISPOSITION OF FEES FROM CERTIFIED COPIES. Fees received for a certified copy of a certificate or a search of files shall be deposited in the state general fund.

69-4409 LOCAL REGISTRARS--APPOINTMENT--SUPERVISION. The department shall:

(1) Appoint local registrars;

(2) Supervise local registrars and other persons required to comply with this act.

69-4410 LOCAL REGISTRARS--DEPUTIES. With approval of the department, local registrars may appoint deputies. Local registrars and deputies shall immediately report violations of this act or rules of the department to the department.

69-4411 CERTIFICATES--INFORMATION REQUIRED--DISPOSITION OF COPIES.

(1) All certificates shall include information required by the the department.

(2) Local registrars shall forward original certificates to the department, file a duplicate copy with the county clerk and recorder, and retain a triplicate copy.

(3) Local registrars shall not issue certified copies of certificates.

69-4412 CERTIFICATES--PRIMA FACIE EVIDENCE. Certificates filed within six (6) months after the time prescribed by the department shall be prima facie evidence of the facts stated in the certificates. Data pertaining to the father of a child are prima facie evidence only if the alleged father is the husband of the mother. If the alleged father is not the husband of the mother, data pertaining to the alleged father are not evidence in any proceedings adverse to his interest, his heirs, next of kin, devisees, legatees, or other successors in interest.

69-4413 BIRTHS--COMPULSORY REGISTRATION. Within the time prescribed by the department, a birth certificate shall be filed with the local registrar of the district in which the birth occurred by:

(1) the physician, midwife, or other legally authorized person if the birth is attended;

(2) one of the parents if the birth is unattended.

69-4414 UNATTENDED BIRTH--CERTIFICATE PREPARED AND FILED BY LOCAL REGISTRAR.

(1) If a birth is unattended and neither parent is able to prepare a birth certificate, the local registrar shall:

(a) secure information from any person having knowledge of the birth;

(b) prepare and file a birth certificate;

(c) within the time prescribed by the department, file a supplementary report furnishing information omitted from the original birth certificate if additional information is received.

(2) Birth certificates completed by a supplementary report shall not be considered "delayed" or "altered."

69-4415 CUSTODIAN OF CHILD OF UNKNOWN PARENTS--REPORT FILED WITH LOCAL REGISTRAR CONSTITUTES BIRTH CERTIFICATE.

(1) A person who assumes custody of a child of unknown parentage shall immediately file with the local registrar a written report which shall constitute a birth certificate. The report shall contain:

(a) the date and place of finding or assumption of custody;

(b) sex, color or race, and approximate age of the child;

(c) name and address of the person or institution with whom the child has been placed for care;

(d) name given to the child by the finder or person who assumes custody.

(2) The place where the child was found or custody assumed shall be the place of birth. The date of birth shall be determined by approximation. If the child is identified and a regular birth certificate is found or obtained, the report shall be sealed and may be opened only by court order.

69-4416 BIRTH CERTIFICATE--DELAYED FILING--PROOF REQUIRED--AMENDMENT. After the time prescribed by the department, a person born in this state may file a birth certificate upon submitting proof as required by the department or by any court. A person may amend a birth, death, or fetal death certificate upon submitting proof as required by the department.

69-4417 BIRTH CERTIFICATE--DELAYED FILING--SUMMARY STATEMENT OF EVIDENCE. If birth certificates are accepted six (6) months or more after the time prescribed for filing or are altered by the department after filing, the certificate shall show the date of the delayed filing or alteration and the mark "delayed" or "altered." A summary statement of the evidence in support of the delayed filing or alteration shall be endoresed on the certificate.

69-4418 DATE AND PLACE OF BIRTH--JUDICIAL PROCEDURE TO ESTABLISH WHERE BIRTH CERTIFICATE CANNOT BE OBTAINED. If a person born in this state cannot obtain a birth certificate from the department, the judicial procedure to establish date and place of birth is:

(1) the person petitions the district court for an order establishing a public record of his birth alleging the facts which he claims entitles him to the birth certificate;

(2) if the court is satisfied of the truth of the allegations in the petition, it makes an order reciting the facts, determining the time and place of birth, names of parents, and other relevant facts;

(3) the court order or a certified copy is recorded with the county clerk and recorder and with the department;

(4) from the court order, the department makes a transcript of the important facts and issues a delayed birth certificate.

69-4419 DELAYED CERTIFICATE OF BIRTH--PROBATIVE VALUE. The probative value of a "delayed" or "altered" certificate of birth is determined by the judicial or administrative body before whom the certificate is offered as evidence.

69-4420 SUBSTITUTE BIRTH CERTIFICATE--PROCEDURE FOR ISSUANCE. The procedure for issuing a substitute birth certificate for a person born in Montana and adopted is:

(1) Before the sixteenth day of the month following the order of adoption the clerk of the district court shall forward a certified copy of the final order of adoption to the department;

(2) The department shall prepare a substitute certificate containing:

(a) The new name of the adopted person;

(b) The true date and place of birth and sex of the adopted person;

(c) Statistical facts concerning the adoptive parents in place of the natural parents;

(d) The words "department of health and environmental sciences" substituted for the words "attendant's own signature;" and

(e) Dates of recording as shown on the original birth certificate.

69-4421 SUBSTITUTE BIRTH CERTIFICATE--PROCEUDRE FOR RECORDING.

(1) The procedure for recording a substitute certificate of birth for a person born in Montana and adopted is:

(a) The department shall send copies of the substitute certificate to the local registrar and to the county clerk and recorder;

(b) The local registrar and county clerk and recorder shall immediately enter the substitute birth certificate in its files and forward copies of the original birth record to the department;

(c) The department shall seal original birth records and open them only on demand of the adopted person if of legal age, or on order of a court.

(2) On receipt of a certified copy of a court order annulling an adoption, the department shall restore the original certificate to its place in its files and notify the local registrar and county clerk and recorder.

69-4422 ILLEGITIMATE BIRTH--PERMISSIBLE DISCLOSURE. Disclosure of illegitimacy of birth, or information from which illegitimacy can be ascertained, may be made only upon order of a court to determine personal or property rights. The information can be used only for that purpose.

69-4423 PROOF OF LEGITIMATION--NEW BIRTH CERTIFICATE. Upon receipt of proof of legitimation, the department shall prepare a new birth certificate in the new name of the person legitimated. Evidence upon which the new certificate is based and the original birth certificate shall be sealed and may be opened only upon court order. In case of legitimation, the department shall substitute records in the way provided in section 69-4421 for records of adoption.

69-4424 DEATH CERTIFICATE--TIME OF FILING.

(1) A death or fetal death certificate shall be filed with the local registrar prior to interment or other disposition of a dead body. If the place of death is known, the certificate shall be filed within three (3) days after the occurrence is known. If the place of death or fetal death is unknown, the certificate shall be filed within twenty-four (24) hours after the occurrence is known.

(2) If a state resident dies outside the county of his residence, the clerk and recorder shall send a certified copy of the death certificate to the clerk and recorder of the deceased's county of residence. The copy shall be considered the same as the original.

69-4425 DEATH CERTIFICATE--PREPARATION AND FILING. A person in charge of interment shall:

(1) obtain personal data required by the department from persons best qualified to supply the data and enter it on the death or fetal death certificate;

(2) present the death certificate to the physician last in attendance upon the deceased or the coroner having jurisdiction who shall certify the cause of death according to his best knowledge and belief; or

(3) present the fetal death certificate to the physician, midwife, or other person in attendance, who shall certify the fetal death and supply any pertinent additional medical data;

(4) notify the local registrar if the death or fetal death occurred without attendance or if the physician last in attendance failed to sign the death certificate;

(5) file the death or fetal death certificate with the local registrar within three (3) days after the occurrence.

69-4426 DEATH WITHOUT MEDICAL ATTENDANCE--CERTIFICATE--INVESTIGATION. If the death or fetal death occurred without medical attendance or the physician last in attendance failed to sign the death certificate, the local registrar may complete the certificate on the basis of information received from persons having knowledge of the facts. If it appears the death (or fetal death) resulted from other than natural causes, the local registrar shall notify the coroner for investigation and certification.

69-4427 DELAY IN DETERMING CAUSE OF DEATH--PERMIT FOR DISPOSITION OF BODY. If the cause of death or fetal death cannot be determined within three (3) days after the occurrence, the attending physician or coroner shall give the local registrar written notice of the reason for delay so that a permit may be issued for disposition of the body.

69-4428 DEAD BODY--DISPOSITION OR REMOVAL--PERMIT REQUIRED. No dead body shall be disposed of or removed from a registration district until a permit for disposition or removal has been issued by the local registrar. No permit shall be issued until a death certificate, fetal death certificate, or notice of delay as required in section 69-4427 has been filed with the local registrar.

69-4428.1 DISINTERMENT--PERMIT.

(1) A body, after burial, may be disinterred for reinterment or transport, upon obtaining a permit therefor from the local registrar of the jurisdiction where the body is interred.

(2) Administration of the act shall be in the department of health and environmental sciences, which shall adopt rules accordingly. The rules shall provide that as a right to the permit the applicant make a showing of reasonable cause for the disinterment.

(3) This act provides a supplementary procedure for disinterment of a dead body, and is not amendatory to or repealing of any other act.

69-4429 BODY BROUGHT INTO STATE FOR BURIAL OR OTHER DISPOSITION--RECORD OF PERMIT. If a body is brought into the state for burial or other disposition accompanied by a permit, the local registrar shall endorse the permit and keep a record of it.

69-4430 INSTITUTIONS CARING FOR PERSONS--REPORTS AS TO INMATES OR PATIENTS. The person in charge of any institution or facility for the care of persons shall record and report all data required by this chapter relating to inmates or patients of the institutions or facility.

69-4431 LOCAL REGISTRARS--FEES. The department may specify by regulation a fee to be paid each local registrar for each complete birth, death or fetal death certificate forwarded by the local registrar to the department, or a monthly report stating the local registrar did not file certificates. The department shall annually certify to the county treasurer the number of births, fetal deaths, and deaths, or monthly reports received from his county with the names of the local registrars and the amount due each. The treasurer shall pay each local registrar out of the county general fund.

69-4432 MARRIAGE CERTIFICATES--REPORTS AS TO FILING--RECORDING FEE. Before the sixteenth day of each month, each clerk of a district court shall report marriage certificates filed with him during the preceding calendar month to the department. Reports shall be on forms and contain information prescribed by the department. The applicant for a marriage license shall pay a recording fee of twenty-five cents ($.25) to the officer authorized to issue the marriage license.

69-4433 REGISTRATION OF DIVORCES, ANNULMENTS AND ADOPTIONS--CERTIFICATES BY CLERKS OF COURTS. Before the sixteenth day of each month the clerk of court shall prepare and forward to the department a certificate for each decree of divorce, adoption, annulment of marriage, or annulment of adoption that became final during the preceding calendar month. Certificates shall be on forms prescribed by the department.

69-4434 DECREE OF DIVORCE OR ANNULMENT OF MARRIAGE--REPORT BY CLERK OF COURT--INFORMATION SUPPLIED BY PARTIES TO THE ACTION OR THEIR ATTORNEYS.

(1) At the same time a decree of divorce or annulment of marriage is filed,the clerk of court shall prepare a report to the department on the form prescribed by the department. Parties to the action or their attorneys shall supply the clerk with necessary information.

(2) The report shall include:

(a) name, age, birthplace, residence, race or color, and occupation of each party;

(b) number, date, and place of any previous marriage of either party;

(c) number of children under eighteen (18) years of age in custody of either party and residing with him;

(d) grounds for the action;

(e) the number of the cause of action;

(f) the county and judicial district where the action is filed;

(g) the date of judgment and the party which was granted it.

69-4435 DUTY TO FURNISH INFORMATION. Any person having knowledge of the fact shall furnish information he possesses about a birth, death, fetal death, marriage or divorce upon demand of the department.

69-4436 FALSE STATEMENTS OR INFORMATION CONTAINED IN OR MUTILATION OF REPORTS, RECORDS, OR CERTIFICATES RELATING TO VITAL STATISTICS--PENALTY. A person shall be fined not more than one thousand dollars ($1,000), imprisoned not more than one (1) year, or both, if:

(1) he willfully and knowingly makes any false statement in a report, record, or certificate required to be filed by law, or in an application for an amendment thereof, or willfully and knowingly supplies false information intending that such information be used in the preparation of any such report, record, or certificate, or amendment;

(2) without lawful authority and with the intent to deceive, he makes, alters, amends, or mutilates any report, record, or certificate required to be filed under law or a certified copy of the report, record, or certificate;

(3) he willfully and knowingly uses or attempts to use, or furnish to another for use, for any purpose of deception, any certificate, record, report, or certified copy made, altered, amended, or mutilated;

(4) with the intention to deceive, he willfully uses or attempts to use any birth certificate or certified copy of a birth record knowing that such certificate or certified copy was issued upon a record which is false in whole or in part or which relates to the birth of another person;

(5) he willfully and knowingly furnishes a birth certificate or certified copy of a birth record with the intention that it be used by a person other than the person to whom the birth record relates.

69-4437 HANDLING AND DISPOSING OF DEAD BODY WITHOUT PERMIT--REFUSAL TO GIVE INFORMATION--NEGLECT OR REFUSAL TO PERFORM DUTIES IMPOSED BY VITAL STATISTICS LAW--PENALTY. A person shall be fined not less than twenty-five ($25) nor more than one hundred dollars ($100), imprisoned for not more than thirty (30) days, or both, if:

(1) he knowingly transports or accepts for transportation, interment, or other disposition a dead body without an accompanying permit as provided by law;

(2) he refuses to provide information required by law;

(3) he willfully neglects or violates any of the provisions of law or refuses to perform any of the duties imposed upon him by law.

94-5-619 REPORTING OF PRACTICE OF ABORTION.

(1) Every facility in which an abortion is performed within the state of Montana shall keep on file upon a form prescribed by the department a statement dated and certified by the physician who performed the abortion setting forth such information with respect to the abortion as the department by regulation shall require; including, but not limited to, information on prior pregnancies; the medical procedure employed to administer the abortion; the gestational age of the fetus; the vital signs of the fetus after abortion, if any; and if after viability, the medical procedures employed to protect and preserve the life and health of the fetus.

(2) The physician performing an abortion shall cause such pathology studies to be made in connection therewith as the department shall require by regulation, and the facility shall keep the reports thereof on file.

(3) In connection with an abortion, the facility shall keep on file the original of each of the documents required by this act relating to informed consent, consent to abortion, certification of necessity of abortion to preserve the life or health of the mother, and certification of necessity of abortion to preserve the life of the mother.

(4) Such facility shall within thirty (30) days after the abortion file with the department a report upon a form prescribed by the department and certified by the custodian of the records or physician in charge of such facility setting forth all of the information required in subsections (1), (2), and (3) of this section, except such information as would identify any individual involved with the abortion. The report shall exclude copies of any documents required to be filed by subsection (3) of this section, but shall certify that such documents were duly executed and are on file.

(5) All reports and documents required by this act shall be treated with the confidentiality afforded to medical records, subject to such disclosure as is permitted by law; except that statistical data not identifying any individual involved in an abortion shall be made public by the department annually, and the report required by subsection (4) of this section to be filed with the department shall be available for public inspection except in so far as it identifies any individual involved in an abortion. Names and identities of persons submitting to abortion shall remain confidential among medical and medical support personnel directly involved in the abortion, and among persons working in the facility where the abortion was performed whose duties include billing the patient or submitting claims to an insurance company, keeping facility records, or processing abortion data required by state law.

(6) The department shall report to the attorney general any apparent violation of this act.

(7) The reports required by this section shall not be mandatory for any abortion performed prior to July 1, 1974.

VITAL STATISTICS LAWS -- INDEX

A

ABORTION -- REPORTING FORM TO DEPARTMENT 94-5-619(4)
ADOPTION -- ANNULMENT OF--PROCEDURE 69-4421(2)
FILING 69-4433
SUBSTITUTE BIRTH CERTIFICATE--ISSUING 69-4420
RECORDING 69-4421
ALLEGED FATHER -- PRIMA FACIE EVIDENCE 69-4412
ALTERATION OF CERTIFIED COPIES -- PENALTY 69-4436(2)
ALTERED CERTIFICATES -- PROBATIVE VALUE 69-4419
ALTERED RECORDS 69-4417
AMENDMENT OF RECORDS -- PROOF 69-4416
ANNULMENT OF ADOPTION 69-4433, -4421(2)
ANNULMENT OF MARRIAGE -- CERTIFICATE 69-4433
REPORT 69-4434
ATTORNEYS -- DUTIES--DIVORCE OR ANNULMENT 69-4434

B

BIRTH -- UNATTENDED--PROCEDURE 69-4414
BIRTH CERTIFICATE -- DELAYED FILING 69-4416
DELAYED--EVIDENCE 69-4417
FILING PROCEDURE 69-4413
UNKNOWN PARENTAGE 69-4415
BURIAL PERMIT -- CAUSE NOT DETERMINED--PROCEDURE 69-4427
SHIPPED-IN BODIES 69-4429

C

CAUSE OF DEATH -- UNDETERMINED--PROCEDURE 69-4427
CERTIFICATES -- INFORMATION REQUIRED 69-4411(1)
LOCAL REGISTRAR--DUTIES 69-4411(2)
PRIMA FACIE EVIDENCE 69-4412
CERTIFIED COPIES -- ALTERATION--UNLAWFUL 69-4436(2)
FEE 69-4407
FEES--GENERAL FUND 69-4408
FRAUDULENT USE 69-4436(3)
LOCAL REGISTRAR--NOT ISSUED 69-4411(3)
ORIGINAL--EFFECT OF 69-4406
CLERK AND RECORDER -- NON-RESIDENT DEATHS 69-4424(2)
RECORDS CONFIDENTIAL 69-4404
CLERK OF DISTRICT COURT -- MARRIAGE RECORDS 69-4432
CONFIDENTIALITY OF VITAL STATISTIC RECORDS 69-4404
PERSONAL OR PROPERTY RIGHTS 69-4404
COPIES -- CERTIFIED--EFFECT OF 69-4406
CORONER -- WHEN TO BE NOTIFIED 69-4426
COURT ORDER -- ADOPTION 69-4420
BIRTH CERTIFICATE CANNOT BE OBTAINED 69-4418
DISCLOSURE OF ILLEGITIMACY 69-4422

D

DATA FOR RESEARCH 69-4405
DATA TRANSMITTAL -- OTHER AGENCIES--BOARD 69-4405
DEAD BODY -- DEFINITION 69-4401(4)
REMOVAL FROM REGISTRATION DISTRICT 69-4428
DEATH CERTIFICATE 69-4424(1)
NO MEDICAL ATTENDANT 69-4426
NON-RESIDENT OF COUNTY 69-4424(2)
PROCEDURE FOR FILING 69-4425
DEFINITIONS 69-4401
DELAYED CERTIFICATES -- DELAYED FILING 69-4416, -4417
PROBATIVE VALUE 69-4419
DEPARTMENT -- FUNCTIONS, POWERS AND DUTIES 69-4403
DEPUTIES -- LOCAL REGISTRAR 69-4410
DISCLOSURE -- DATA IN VITAL STATISTICS RECORDS 69-4404
ILLEGITIMACY 69-4422
INFORMATION TO GOVERNMENT AGENCIES 69-4405
DISINTERMENT PERMIT 69-4428.1
DISTRICTS -- REGISTRATION 69-4403(1)
DIVORCE -- CERTIFICATE FOR--DEPARTMENT 69-4433
RECORD 69-4434
DUTIES -- DEPARTMENT 69-4403
INSTITUTION 69-4430
LOCAL REGISTRAR--FILING CERTIFICATE 69-4411(2)
PERSON IN CHARGE OF INTERMENT 69-4425

E

EMBALMER -- (SEE PERSON IN CHARGE OF INTERMENT) 69-4401(5)
ENFORCEMENT -- RULES OF DEPARTMENT 69-4403
EVIDENCE -- PRIMA FACIE--FATHER 69-4412

F

FALSE INFORMATION -- PENALTY 69-4436
FATHER -- PRIMA FACIE EVIDENCE 69-4412
FEDERAL AGENCY -- TRANSCRIPTS TO--FEE 69-4407
FEES -- CERTIFIED COPIES TO GENERAL FUND 69-4408
LOCAL REGISTRAR 69-4431
RECORDING--MARRIAGE 69-4432
FETAL DEATH -- DEFINITION 69-4401(3)
FETAL DEATH CERTIFICATE 69-4424(1)
NO MEDICAL ATTENDANT 69-4426
FORMS -- VITAL STATISTICS 69-4403(4)
FOUNDLINGS 69-4415
FRAUDULENT USE -- VITAL RECORDS 69-4436
FUNERAL DIRECTOR -- (SEE PERSON IN CHARGE OF INTERMENT) 69-4401(5)

G

GENERAL FUND -- FEES--CERTIFIED COPIES 69-4408

I

ILLEGITIMACY -- DISCLOSURE 69-4422
INDIVIDUAL RECORDS -- PROVISION OF INFORMATION FROM 69-4406
INFORMATION -- DUTY TO FURNISH 69-4435
INFORMATION REQUIRED -- CERTIFICATES 69-4411(1)
INSPECTION OF RECORDS 69-4404
INSTITUTION -- DUTIES 69-4430
INTERMENT -- PERSON IN CHARGE OF 69-4401(5)

J

JUDICIAL PROCEDURE -- DELAYED BIRTH 69-4418

L

LEGITIMATION 69-4423
LIVE BIRTH -- ATTENDED--PROCEDURE 69-4413(1)
DEFINITION 69-4401(2)
SUPPLEMENTARY REPORT 69-4414(2)
UNATTENDED--PARENT RESPONSIBLE 69-4413(2)
UNATTENDED--PROCEDURE 69-4414
UNKNOWN PARENTAGE 69-4415
LOCAL REGISTRAR -- DEFINITION 69-4401(7)
DISINTERMENT PERMIT 69-4428.1
DUTIES--FILING CERTIFICATES 69-4411(2)
FEES 69-4431
FILE CERTIFICATE FOR UNATTENDED BIRTH 69-4414
NOT ISSUE CERTIFIED COPIES 69-4411(3)
APPOINTMENT BY DEPARTMENT 69-4409(1)
DEPUTIES 69-4410
SUPERVISION BY DEPARTMENT 69-4409(2)

M

MARRIAGE REPORTS 69-4432
MORTICIAN -- (SEE PERSON IN CHARGE OF INTERMENT) 69-4401(5)

N

NO MEDICAL ATTENDANT -- DEATH CERTIFICATE 69-4426
FETAL DEATH CERTIFICATE 69-4426
NON-RESIDENT OF COUNTY -- DEATH CERTIFICATE 69-4424(2)

P

PENALTY -- VIOLATION 69-4437
VIOLATIONS--FALSE STATEMENTS, MUTILATION 69-4436
PERMIT -- BURIAL--SHIPPED-IN BODIES 69-4429
DISINTERMENT 69-4428.1
REMOVAL 69-4428
PERSON IN CHARGE OF INTERMENT -- DEFINITION 69-4401(5)
DUTIES 69-4425
PERSONAL OR PROPERTY RIGHTS -- CONFIDENTIAL RECORDS 69-4404
PHYSICIAN -- DEFINITION 69-4401(6)
PRIMA FACIE EVIDENCE 69-4412
PROBATIVE VALUE -- DELAYED OR ALTERED CERTIFICATE 69-4419
PROCEDURE -- CAUSE OF DEATH NOT DETERMINED 69-4427
FOR FILING DEATH CERTIFICATE 69-4425

R

RECORDS -- ALTERED 69-4417
AMENDMENT OF 69-4416
INFORMANT--DEPARTMENT 69-4435
REGISTRATION DISTRICTS 69-4403(1)
REMOVAL OF DEAD BODY 69-4428
REMOVAL PERMIT 69-4428
REPORTING FORM TO DEPARTMENT -- ABORTION 94-5-619(4)
RESEARCH -- USE OF VITAL STATISTICS DATA FOR 69-4405
RULES -- ENFORCEMENT--DEPARTMENT 69-4403(3)
VITAL STATISTICS--DEPARTMENT 69-4402
VITAL STATISTICS--VIOLATIONS 69-4410

S

SEARCH OF FILES -- FEE 69-4407
SHIPPED-IN BODIES -- BURIAL PERMIT 69-4429
STATE BOARD OF HEALTH --DISCLOSURE OF INFORMATION 69-4405
SUBSTITUTE BIRTH CERTIFICATE -- PROCEDURE 69-4420
SUPPLEMENTARY REPORT -- LIVE BIRTH 69-4414(2)

T

TIME FOR FILING -- DEATH CERTIFICATE 69-4424(1)
TRANSCRIPTS TO FEDERAL AGENCY -- FEE 69-4407

U

UNATTENDED BIRTHS -- PROCEDURE 69-4414
UNDERTAKER -- (SEE PERSON IN CHARGE OF INTERMENT) 69-4401(5)
UNKNOWN PARENTAGE -- REPORT 69-4415

V

VIOLATIONS -- PENALTY 69-4437
VITAL STATISTICS -- CONFIDENTIALITY 69-4404
DEFINITION 69-4401(1)
DUTIES--DEPARTMENT 69-4403
RULES 69-4402

MAC 16-2.6(6)-S650 CERTIFICATE OF BIRTH

Adopted: December 31, 1972

Statutory Authority: 69-4413

(1) A certificate of birth for every child born in Montana shall be made and filed by the attending physician or midwife within ten (10) days after the date of birth. And if there is no attending physician or midwife, then it shall be the duty o the father of the child, householder or owner of the premises, or the head of the hospital or institution in which the birth occurred, to make and file the certificate within ten (10) days after birth.

MAC 16-2.6(6)-S660 REGISTRARS, PRESERVATION OF COPIES OF RECORD

Adopted: December 31, 1972; AMD December 5, 1974

Statutory Authority: 69-4411

(1) Having received, numbered and signed a death, birth, or fetal death certificate, the local registrar shall make an accurate copy of each certificate, copied upon forms which are identical with the legal portion of the original certificates but printed upon yellow paper. Such copies shall be filed in such manner as to be easily accessible for reference. After two (2) years from the date filed, the local registrar may request from the department written permission to destroy the triplicate (local registrar) copy of the certificates. At the termination of his office, the local registrar shall deliver his records to his successor, or to such person as the department may designate.

MAC 16-2.6(6)-S670 CERTIFICATES UNFADING, PERMANENT AND LEGIBLE

Adopted: December 31, 1972

Statutory Authority: 69-4402

(1) All birth, death, and fetal death certificates must be plainly written in unfading black ink; and provided also, that original typewritten certificates of deaths, births and fetal deaths may be submitted if all signatures required thereto are written in unfading black ink. If the writing is so poor as to be unintelligible to the local registrar

or if the entries are not dark enough to photograph satisfactorily, it is deemed not legible and is not in compliance with the laws of this state; therefore, the person making the report should be notified in the same manner as though the report were incomplete and the same action taken in case a proper report is not made.

MAC 16-2.6(6)-S680 MONTHLY STATEMENT OF RETURNS

Adopted: December 31, 1972; AMD December 5, 1974

Statutory Authority: 69-4402

(1) To facilitate and to insure proper accounting, local registrars shall make a monthly statement of returns on or before the fifth day of each month on blanks supplied by the department and shall retain a carbon copy for his own files.

MAC 16-2.6(6)-S690 CERTIFICATE OF ACCOUNTS

Adopted: December 31, 1972; AMD December 5, 1974

Statutory Authority: 69-4431

(1) The department shall certify to the treasurer of each county the number of births, deaths, and fetal deaths registered in such county, with the names of the local registrars, and the amounts due them at the rates specified in the regulations of the department; such certification to be made annually unless in the opinion of the department it shall be desirable to make them more often.

MAC 16-2.6(6)-S6000 RECORDS OF INSTITUTIONS

Adopted: December 31, 1972; AMD December 5, 1974

Statutory Authority: 69-4430

(1) The records of all hospitals, almshouses, lying-in or other institutions shall contain the following information: Full name of patient; address; sex; color or race; single, married, widowed or divorced; date of birth; age; occupation; birthplace; name of father; birthplace of father; maiden name of mother; birthplace of mother; disease at entrance; and date of entrance, discharge or removal, or death.

(2) The requirements of the Uniform Vital Statistics Act shall be literally enforced; and it shall be the duty of the department or its duly authorized agents, to inspect the records of all hospitals, almshouses, lying-in or other institutions, both public and private, as often as in the judgment of the department it may be necessary so to do; and such hospitals, almshouses, lying-in or other institutions shall furnish such information or reports as the department may from time to time require.

(3) It shall be the duty of the superintendent of any hospital wherein a birth occurs to present a completed birth certificate to the mother of each baby born therein before she leaves the institution for review as to the correctness of the information contained in the birth certificate. The mother must sign Item 9a after the words "I have reviewed this, my child's birth certificate, and find the information correct."

MAC 16-2.6(6)-S6010 DEATH CERTIFICATE TO BE SPECIFIC

Adopted: December 31, 1972

Statutory Authority: 69-4425

(1) Every death certificate shall state the specific items of information as to the disease, manner and cause of death, and if from external causes or violence, it shall state whether accidental, suicidal or homicidal, and the manner in which the accident happened or the suicide or homicide was committed.

MAC 16-2.6(6)-S6020 BURIAL OR REMOVAL PERMIT REFUSED, WHEN

Adopted: December 31, 1972

Statutory Authority: 69-4428

(1) If upon examination by the local registrar the answers to any questions are found to be indefinite and unsatisfactory and the circumstances of the case would make it appear that the questions can be more fully and defintely answered, no burial or removal permit shall be issued until such information has been properly and fully supplied.

MAC 16-2.6(6)-S6030 BURIAL-TRANSIT PERMIT ISSUANCE

Adopted: December 31, 1972

Statutory Authority: 69-4428

(1) If there be no sexton or other person in charge of the burial grounds, then the person acting as undertaker shall endorse the required facts upon the burial permit and shall deliver it to the registrar of the district in which interment is made within ten (10) days from date of burial.

MAC 16-2.6(6)-S6040 HEALTH OFFICERS NOTIFIED BY REGISTRAR, WHEN

Adopted: December 31, 1972; AMD December 5, 1974

Statutory Authority: 69-4402

(1) In the case of death from a dangerous, communicable disease occurring in a registration district wherein the local registrar has no jurisdiction as health officer, said local registrar shall immediately notify the health officer having jurisdiction of the name and address of the deceased person and the name of the physician who attended the same, so that all precautions regarding quarantine, isolation, conduct of public funerals and disinfection of premises as required by the public health law and regulations of the department may be properly observed.

(2) The provisions of subsection (1) shall apply in the case of deaths from the following diseases: Anthrax, cholera (Asiatic), diphtheria, emphysema, meningococcic meningitis, plague, smallpox, typhoid fever and typhus fever.

(3) Undertakers are held responsible for the strict observance of the regulations of the department relative to the burial of bodies dead of communicable diseases.

MAC 16-2.6(6)-S6060 FEES FOR COPIES AND RESEARCH

Adopted: December 31, 1972

Statutory Authority: 69-4407

(1) There shall be a charge of two dollars ($2.00) for each certified copy of a birth, death, or fetal death certificate issued by the Bureau of Records and Statistics of the department.

(2) Exceptions:

(a) A birth notification shall be issued free of charge from the birth record of any child whose birth occurred less than one year prior to the date of request for said notification.

(b) Any record shall be issued free of charge which is exempted under Section 91-4816, R.C.M. 1947, viz:

"Whenever a copy of any public record is required by the veterans' administration to be used in determining the eligibility of any person to participate in benefits made available by the veterans' administration, the official custodian of such public record shall without charge provide the applicant for such benefits or any person acting on his behalf or the authorized representative of the veterans' administration with a certified copy of such record."

MAC 16-2.6(6)-S6070 DELAYED BIRTH RECORDS

Adopted: December 31, 1972; AMD December 5, 1974

Statutory Authority: 69-4416

(1) Any person born in the state of Montana whose birth was not properly recorded at the time of birth may file a certificate of Delayed Birth Registration.

A delayed birth record is one registered six months after the birth occurred.

A child six months to twelve years old may have his birth registered on sworn statement of attendant or as a delayed birth registration outlined below.

Proof required to register a birth twelve years or older:

A certificate of Delayed Birth Registration establishes proof of the date of birth, place of birth and parentage by documentary evidence. The face of the certificate shall include name of person being registered; date and place of birth; sex; father's name, color, birthyear and birthplace; mother's maiden name, color, birthyear and birthplace. In addition at least three documents (no two of which shall be of the same type) will be required which prove date and place of birth and parentage. First consideration should be given to older documents.

The certificate of Delayed Birth Registration, with abstracted proofs, will not be valid and cannot be filed until final approval is made by the department or its designated agents. A fee of two dollars ($2) shall be charged for registering a delayed birth record, except when a certified copy is requested at time of registering a delayed record, then no charge for the registration will be made.

MAC 16-2.6(6)- SUBSTITUTE BIRTH CERTIFICATE FORM
S6080

Adopted: December 31, 1972

Statutory Authority: 69-4420

(1) The format for substitute birth certificate is as shown on "Montana Certificate of Adoption" form, copy of which follows this rule and by reference is made a part of this rule. The certificate will be sealed with the original birth certificate and placed in a sealed file to be opened only on demand of the adopted person if of legal age and properly identified or by court order.

V. S. NO. 17

MONTANA

CERTIFICATE OF ADOPTION

PART I: **The information in this section must be given as it was before adoption.**
Without this data it may be impossible to file an amended certificate of birth for this child.

CHILD	1A. NAME OF CHILD-FIRST NAME	1B. MIDDLE NAME	1C. LAST NAME	
	2. SEX / 3. DATE OF BIRTH	4A. PLACE OF BIRTH - COUNTY	4B. CITY AND STATE	
NATURAL MOTHER	5A. MAIDEN NAME OF MOTHER - FIRST NAME	5B. MIDDLE NAME	5C. LAST NAME	
NATURAL FATHER	6A. NAME OF FATHER - FIRST NAME	6B. MIDDLE NAME	6C. LAST NAME	

PART II: **Information After Adoption (Foster or Natural)**
Adopting parents must furnish the following information concerning themselves as it was at the time of birth of the above child. This information is used in preparation of the amended certificate of birth.

FOSTER OR NATURAL MOTHER	7A. NAME OF MOTHER - FIRST NAME	7B. MIDDLE NAME	7C. LAST NAME - MAIDEN	8. COLOR OR RACE OF MOTHER
	9. DATE OF BIRTH	10 BIRTHPLACE (STATE OR FOREIGN COUNTRY)	11. RESIDENCE (AT TIME OF THIS BIRTH)	
FOSTER OR NATURAL FATHER	12A. NAME OF FATHER - FIRST NAME	12B. MIDDLE NAME	12C. LAST NAME	13. COLOR OR RACE OF FATHER
	14. DATE OF BIRTH	15. BIRTHPLACE (STATE OR FOREIGN COUNTRY)	16. MAILING ADDRESS OF ADOPTING PARENTS	
ATTORNEY AGENCY	17. NAME OF ATTORNEY / ADDRESS		18. NAME OF AGENCY OR DEPARTMENT WHICH INVESTIGATED OR HANDLED CASE	

PART III: The Clerk of District Court should require that as much of the information as is available in Parts I and II, above, be furnished before he completes Part III and forwards the certificate to the State Registrar of Records and Statistics.

CLERK OF DISTRICT COURT	19. I HEREBY CERTIFY THAT THE CHILD DESCRIBED ABOVE WAS ADOPTED BY THE ABOVE NAMED FOSTER PARENT(S) ON THE ____ DAY OF ____ 19 ____ AS SET FORTH IN THE DECREE OF ADOPTION MADE ON THAT DATE IN CASE NO ____	THE NAME AS SET FORTH IN THE DECREE OF ADOPTION
	20 SIGNATURE AND SEAL OF CLERK OF DISTRICT COURT / DATE SIGNED / CLERK IN AND FOR THE COUNTY OF	

Rev. Mar. 1971

State of Montana
Department of Health & Environmental Sciences
Bureau of Records and Statistics

MAC 16-2.6(6)- DIVORCE OR ANNULMENT RECORD FORM
S6090

Adopted: December 31, 1972

Statutory Authority: 69-4433

(1) Information to be included on the prescribed form for record of divorce or annulment is shown on the following form, copy of which follows this rule and by reference is made a part of this rule.

V.S. 19-

TYPE OR PRINT WITH UNFADING INK

Margin Reserved for Binding

Montana State Department of Health	MONTANA RECORD OF ☐ DIVORCE ☐ ANNULMENT FOR STATE REGISTRAR	DIVISION OF RECORDS and STATISTICS
Case No.		State File No.
1. JUDICIAL DISTRICT	2. CITY	3. COUNTY

HUSBAND		WIFE	
4. NAME (First) (Middle) (Last)		12. NAME (First) (Middle) (Last)	
5. USUAL RESIDENCE (City) (County) (State)		13. USUAL RESIDENCE (City) (County) (State)	
6. AGE	7. PLACE OF BIRTH (State or foreign country)	14. AGE	15. PLACE OF BIRTH (State or foreign country)
8. NUMBER OF THIS MARRIAGE	9. COLOR OR RACE	16. NUMBER OF THIS MARRIAGE	17. COLOR OR RACE
10. USUAL OCCUPATION	11 BUSINESS OR INDUSTRY	18. USUAL OCCUPATION	19. BUSINESS OR INDUSTRY

20. PLACE OF THIS MARRIAGE (County) (State or foreign country)			21. DATE OF MARRIAGE (Month) (Day) (Year)	
22. NUMBER OF CHILDREN UNDER 18	23. PLAINTIFF Husband ☐ Wife ☐ Other	24. DECREE GRANTED TO Husband ☐ Wife ☐ Other	25. LEGAL GROUNDS	
I hereby certify that the above persons were divorced on: (Month) (Day) (Year)		DATE OF RECORDING (Month) (Day) (Year)		
SIGNATURE OF COURT OFFICIAL		TITLE OF COURT OFFICIAL		

MAC 16-2.6(6)- MARRIAGE RECORD FORM
S6100

Adopted: December 31, 1972

Statutory Authority: 69-4432

(1) Information to be included on the prescribed from for record of marriage is shown on the following form, copy of which follows this rule and by reference is made a part of this rule.

V.S. 18

TYPE OR PRINT IN PERMANENT INK

State Department of Health and Environmental Sciences

MONTANA
MARRIAGE RECORD FOR STATE REGISTRAR

BUREAU OF RECORDS AND STATISTICS

1. MARRIAGE LICENSE NO.	2. LICENSE ISSUED COUNTY	3 DATE LICENSE ISSUED MONTH DAY YEAR	4 STATE FILE NO.

GROOM—NAME FIRST MIDDLE LAST
5.

RESIDENCE: STATE 6a.	COUNTY 6b.	CITY, TOWN, OR LOCATION 6c	INSIDE CITY LIMITS SPECIFY YES OR NO 6d.

GROOM

STREET AND NUMBER 6e.	STATE IF NOT IN U.S.A. NAME COUNTRY OF BIRTH 7.	DATE OF BIRTH MONTH DAY YEAR 8

FATHER—NAME FIRST MIDDLE LAST 9a.	STATE OF BIRTH IF NOT IN U.S.A., NAME OF COUNTRY 9b	MOTHER—MAIDEN NAME 10a.	STATE OF BIRTH IF NOT IN U.S.A., NAME OF COUNTRY 10b

BRIDE—NAME FIRST MIDDLE LAST 11a. | MAIDEN NAME—IF DIFFERENT 11b

RESIDENCE: STATE 12a.	COUNTY 12b.	CITY, TOWN, OR LOCATION 12c	INSIDE CITY LIMITS SPECIFY YES OR NO 12d.

BRIDE

STREET AND NUMBER 12e	STATE IF NOT IN U.S.A., NAME COUNTRY OF BIRTH 13	DATE OF BIRTH MONTH DAY YEAR 14

FATHER—NAME FIRST MIDDLE LAST 15a.	STATE OF BIRTH IF NOT IN U.S.A., NAME OF COUNTRY 15b.	MOTHER—MAIDEN NAME 16a	STATE OF BIRTH IF NOT IN U.S.A., NAME OF COUNTRY 16b

DATE OF MARRIAGE MONTH DAY YEAR 17a.	PLACE OF MARRIAGE COUNTY 17b.

OFFICIANT

OFFICIANT 17c.	RELIGIOUS OR CIVIL OFFICIAL Specify 17d.
LOCAL OFFICIAL MAKING RETURN TO STATE HEALTH DEPARTMENT 18a. SIGNATURE AND TITLE	DATE RECEIVED BY LOCAL OFFICIAL MO DAY YEAR 18b

CONFIDENTIAL INFORMATION

GROOM

RACE WHITE, NEGRO, AMERICAN INDIAN, ETC. Specify 19	NUMBER OF THIS MARRIAGE (FIRST, SECOND, THIRD, ETC.) Specify 20a
	LAST MARRIAGE ENDED BY Specify Month Year 20b DEATH DIVORCE OR ANNULMENT

BRIDE

RACE WHITE, NEGRO, AMERICAN INDIAN, ETC. Specify 21	NUMBER OF THIS MARRIAGE (FIRST, SECOND, THIRD, ETC.) Specify 22a
	LAST MARRIAGE ENDED BY Specify Month Year 22b DEATH DIVORCE OR ANNULMENT

MAC 16-2.6(6)-S6110 CHILDREN BORN OUT OF WEDLOCK, CERTIFICATE FOR

Adopted: December 31, 1972

Statutory Authority: 69-4402

(1) If the mother be married at the time of birth, the name of her then husband shall be entered on the certificate of birth as the father. If the mother be not married at the time of birth, but had been married within ten months of the birth, the name of her latest husband at a time within ten months prior to the birth shall be entered on the certificate as the father. If the mother be not married at the time of birth, and has not been married within ten months of the birth, the name of the father shall not be entered on the certificate of birth unless accompanied by the written consent of both the mother and the father.

MAC 16-2.6(6)-S6120 COMMUNAL COLONIES

Adopted: December 31, 1972; AMD December 5, 1974

Statutory Authority: 69-4402

(1) The requirements of the Vital Statistics Act shall be literally enforced; and it shall be the duty of the department or its duly authorized agents to inspect the records of all communal colonies as often as in the judgment of the department it may be necessary so to do; and such communal colonies shall furnish the information or reports as the department may from time to time require.

MAC 16-2.6(6)-S6130 DISINTERMENT PERMITS

Adopted: July 13, 1973

Statutory Authority: 69-4428.1

(1) A disinterment permit is required before a body, after burial, is to be disinterred for reinterment or transport.

(a) The permit is to be obtained from the local registrar of the jurisdiction where the body is interred.

(b) The permit is to be issued only to duly licensed morticians of this state.

(c) As a right to the permit the applicant must make a showing of reasonable cause for disinterment.

(d) For each permit issued, the local registrar shall collect a fee of five dollars ($5), two dollars ($2) of which is to be remitted to the Department of Health and Environmental Sciences.

(2) Format of permit -- procedure for use of form and audit.

(a) The format for the permit is shown on "Disinterment Permit" form, copy of which follows this rule and by reference is made a part of this rule.

(b) The permit consists of five parts. The procedure for use is: the original copy is to accompany the body for use by the receiving cemetery or crematory, a copy is to be retained by the cemetery where disinterment occurs, by the mortician to whom the permit is issued, by the local registrar, and a copy is to be sent to the Department of Health and Environmental Sciences together with the department portion of the fee.

(c) To facilitate and assure proper accounting, prenumbered permit forms are to be furnished local registrars by the department. Additional supply of forms will be furnished only when all department copies of previously furnished permit forms, together with the department fee portion, have been returned to the department.

MAC 16-2.6(6)-S6130

VS 33

NOTE. THIS PERMIT IS VALID FOR ONE YEAR FOLLOWING ISSUANCE

STATE OF MONTANA

STATE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES

DISINTERMENT PERMIT

FILE NUMBER

No. 224

DECEASED

1 NAME (FIRST) (MIDDLE) (LAST) | 2 DATE OF DEATH (MO., DAY, YEAR) | 3 AGE AT DEATH

4 PLACE OF DEATH (STATE) (COUNTY) (CITY, TOWN OR LOCATION) | 5 SEX

CAUSE

6 CAUSE OF DEATH | 7 WAS BODY EMBALMED?

8 MEANS OF TRANSPORTATION (COMMON CARRIER, PRIVATE CONVEYANCE, ETC.)

INTERMENT

9 PRESENT PLACE OF INTERMENT (CEMETERY, CITY OR TOWN) | 10A LOT | 10B BLOCK | 10C. GRAVE NO.

11 PROPOSED PLACE OF REINTERMENT (CEMETERY, CITY OR TOWN) | 12A LOT | 12B BLOCK | 12C. GRAVE NO.

DISINTERER

13 MORTICIAN — SIGNATURE | 14A MORTICIAN — NAME (TYPE OR PRINT) | 14B MORTICIAN NO.

15 MORTUARY — NAME AND ADDRESS (STREET, CITY, STATE, ZIP) | 15A FIRM LIC. NO.

REASON

16 WHY IS DISINTERMENT REQUESTED?

REQUESTOR

17. NAME | 18. RELATIONSHIP TO DECEASED

19 ADDRESS (STREET OR R.F.D. NO., CITY OR TOWN, STATE, ZIP)

20 I REQUEST PERMISSION TO HAVE THE ABOVE DESCRIBED REMAINS DISINTERRED. I KNOW OF NO REASON WHY THIS BODY MAY NOT BE LAWFULLY DISINTERRED. SIGNATURE

PERMISSION

21 PERMISSION IS HEREBY GIVEN THE ABOVE NAMED MORTICIAN TO DISINTER THE ABOVE DESCRIBED REMAINS | LOCAL REGISTRAR

DATE

DISPOSITION

22 REINTERMENT -- DATE | 23 PLACE (IF DIFFERENT THAN ITEM 11) | 24A LOT | 24B BLOCK | 24C. GRAVE NO.

25 CREMATION -- DATE | 26 CREMATORY (NAME AND ADDRESS)

NOTE. PERMITS ARE NOT TRANSFERABLE FROM ONE MORTICIAN TO ANOTHER

To accompany remains and be filed by sexton where body is reinterred.

ABORTIONS, FACILITY REPORT TO DEPARTMENT

Adopted: August 15, 1974

Statutory Authority: 94-5-619

(1) Definitions.

"Abortion" means the performance of, or assistance or participation in the performance of, or submission to, an act or operation intended to terminate a pregnancy without live birth.

"Viability" means the ability of a fetus to live outside the mother's womb, albeit with artificial aid.

"Facility" means a hospital, health care facility, physician's office or other place in which an abortion is performed.

"Department" means the department of health and environmental sciences.

(2) Report of induced abortion. A facility shall, within thirty (30) days after an abortion, file with the department a report upon a form prescribed by the department and certified by the custodian of the records or the physician in charge of such facility setting forth the information required in subsections (1), (2) and (3) of section 94-5-619, R.C.M. 1947, except such information as would identify any individual involved with the abortion.

The attached form entitled "Report of Induced Abortion" is by this reference incorporated herein and made a part of this rule. The report shall exclude:

(a) All information as would identify any individual involved with the abortion,

(b) The name and address of the physician who performed the abortion,

(c) The name and address of the spouse, or the parents, custodian or legal guardian of the woman upon whom the abortion was performed,

(d) Copies of any reports or documents required to be filed under subsections (1), (2) or (3) of section 94-5-619, R.C.M. 1947, but the custodian of the records or the physician in charge of such facility shall certify that such documents were duly executed and are on file.

(3) The statistical data not identifying any individual involved in an abortion shall be made public by the department annually and the report required to be filed with the department by the facility shall be available for public inspection except insofar as it identifies any individual involved in an abortion.

MAC 16-2.6(6)-S6140

V.S. 23
(Revised 9-74)

MONTANA
(MONTANA ABORTION CONTROL ACT)
DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES

REPORT TO DEPARTMENT

FACILITY

1. NAME OF FACILITY | 2. COUNTY | 3. CITY

PATIENT

4. PATIENT IDENTIFICATION NUMBER | 5. RACE | 6. MARITAL STATUS | 7. BIRTH DATE *(Month, Day, Year)*

PREVIOUS PREGNANCIES

8a. ARE NOW LIVING | 8b. WERE BORN ALIVE - NOW DEAD | 8c. WERE BORN DEAD - *(Fetal death at any time after conception)* | 9. NUMBER OF PREVIOUS INDUCED ABORTIONS

10. PATIENT RESIDENCE - STATE | 11. COUNTY | 12. FIRST DAY OF LAST NORMAL MENSES *(Month, Day, Year)*

MEDICAL

13. DATE OF ABORTION *(Month, Day, Year)* | 14. GESTATION AGE *(In Weeks)* | 15. WEIGHT OF FETUS *(In Grams)* | 16. LENGTH OF FETUS *(In Centimeters)*

17. ABORTION PROCEDURE

☐ (1) Suction Curettage ☐ (2) Sharp Curettage ☐ (3) Amniotic Fluid Exchance ☐ (4) Hysterotomy
☐ (5) Hysterectomy ☐ (6) Other (specify) _____

18. COMPLICATIONS (If any)

☐ (1) Uterine Tearing or Perforation ☐ (2) Incomplete Removal of Products of Conception ☐ (3) Endometritis or Other Pelvic Infections ☐ (4) Saline Instilled into Vascular Space
☐ (5) Saline Instilled Intraperitoneally ☐ (6) Other (specify) _____

19. REASON FOR ABORTION, IF GIVEN

20. VITAL SIGNS OF FETUS AFTER ABORTION, IF ANY

21. AFTER VIABILITY, PROCEDURES TO PROTECT AND PRESERVE THE LIFE AND HEALTH OF FETUS

22. MEDICAL INFORMATION UPON WHICH PREGNANCY WAS DETERMINED

23. IF INFANT WAS BORN ALIVE AND VIABLE AND DID NOT SURVIVE, THE APPARENT CAUSE OF DEATH

24. IF FETUS WAS VIABLE, BUT WAS ENDANGERED OR DESTROYED DURING THE ABORTION PROCEDURE PRIOR TO BIRTH, THE REASON THEREFOR

AGENCY REFERRED BY

25a. NAME OF AGENCY | 25b. COUNTY (or STATE) | 25c. CITY

COUNSELLING AGENCY REFERRED TO

26a. NAME OF AGENCY | 26b. COUNTY (or STATE) | 26c. CITY

*** REPORTER**

27a. SIGNATURE | 27b. TITLE | 27c. DATE

CERTIFICATON

☐ FACILITY HAS ON FILE STATEMENTS OF INFORMED CONSENT, CONSENT TO ABORTION, AND ANY OTHER DOCUMENTS WHICH ARE REQUIRED BY 94-5-619
☐ PATHOLOGY REPORT FILED
NOTE: FAILURE TO CHECK EITHER OF THE ABOVE MUST BE REPORTED TO ATTORNEY GENERAL
☐ NOTICE GIVEN TO HUSBAND, PARENT OR GUARDIAN, IF REQUIRED

(SEE INSTRUCTIONS ON BACK)

MAC 16-2.6(6)-S6140

INSTRUCTIONS

Item 12. Date of the first day of the last normal menstrual period.

Item 14. Gestation age refers to the physician's judgment based on evaluation of the fetus and independent of the interval between the last normal menstrual period and abortion.

Section 94-5-619, "Reporting practice of abortion", provides in part that: "The report shall exclude copies or any documents required to be filed by subsection (3) of this section, but shall certify that such documents were duly executed and are on file." Subsection (3) requires: "The facility shall keep on file the original of each of the documents required by this act relating to informed consent, consent to abortion, certification of necessity of abortion to preserve the life or health of the mother, and certification of necessity of abortion to preserve the life of the mother."

VITAL STATISTICS DEPARTMENT RULES -- INDEX

A

ABORTION -- FACILITY REPORT TO DEPARTMENT 16-2.6(6)-S6140
ADOPTION -- CERTIFICATE OF, FORMAT 16-2.6(6)-S6080
ANNULMENT RECORD -- FORMAT 16-2.6(6)-S6090

B

BIRTH CERTIFICATE -- CERTIFIED COPIES--FEES 16-2.6(6)-S6060
COPIES--DUTY TO PRESERVE 16-2.6(6)-S660
MOTHER, STATEMENT OF 16-2.6(6)-S6000
SUBSTITUTE RECORD 16-2.6(6)-S6080
BODIES -- PERMITS FOR DISINTERMENT OF 16-2.6(6)-S6130
BURIAL OF BODIES -- NOTIFICATION OF HEALTH OFFICER 16-2.6(6)-S6040
TRANSIT PERMITS --
ISSUANCE OF 16-2.6(6)-S6030
REFUSED, WHEN 16-2.6(6)-S6020

C

CAUSE OF DEATH, MUST BE SPECIFIC 16-2.6(6)-S6010
CERTIFICATION -- VITAL RECORDS
ADOPTION 16-2.6(6)-S6080
BIRTH 16-2.6(6)-S650
CERTIFIED COPIES--FEES 16-2.6(6)-S6060
COPIES, PRESERVATION 16-2.6(6)-S660
DEATH, CAUSE MUST BE SPECIFIC 16-2.6(6)-S6010
DELAYED BIRTH RECORD 16-2.6(6)-S6070
FETAL DEATHS -- COPIES 16-2.6(6)-S660
INSTRUCTIONS FOR COMPLETING 16-2.6(6)-S670
SUBSTITUTE BIRTH 16-2.6(6)-S6080
COMMUNICABLE DISEASES
HEALTH OFFICER TO BE NOTIFIED 16-2.6(6)-S6040

D

DEATH CERTIFICATE, CAUSE TO BE SEPCIFIC 16-2.6(6)-S6010
DELAYED BIRTH CERTIFICATE -- CONTENTS, PROOF 16-2.6(6)-S6070
DISINTERMENT PERMITS 16-2.6(6)-S6130
DIVORCE OR ANNULMENT RECORD -- FORMAT 16-2.6(6)-S6090

F

FEES -- CERTIFIED COPIES, VITAL RECORDS 16-2.6(6)-S6060

H

HEALTH OFFICER -- LOCAL -- DUTIES
NOTIFICATION, DEATH FROM COMMUNICABLE DISEASE 16-2.6(6)-S6040

I

ILLEGITIMATE CHILD -- CERTIFICATION OF BIRTH 16-2.6(6)-S6110

L

LOCAL REGISTRAR, VITAL RECORDS
COPIES TO BE PRESERVED 16-2.6(6)-S660
MUST NOTIFY HEALTH OFFICER, WHEN 16-2.6(6)-S6040
REMOVAL OR BURIAL PERMIT REFUSED, WHEN 16-2.6(6)-S6020
STATEMENT OF RETURNS 16-2.6(6)-S680

M

MARRIAGE RECORD -- FORMAT 16-2.6(6)-S6100
MOTHER'S STATEMENT -- BIRTH CERTIFICATE 16-2.6(6)-S6000

P

PATERNITY DETERMINATION -- OUT OF WEDLOCK CHILD 16-2.6(6)-S6110
PERMITS -- BURIAL AND TRANSIT OF BODIES 16-2.6(6)-S6030
DISINTERMENT OF BODIES 16-2.6(6)-S6130

R

REGISTRARS OF VITAL STATISTICS -- CERTIFICATES OF ACCOUNTS 16-2.6(6)-S690
RETURNS MADE BY LOCAL REGISTRARS OF VITAL RECORDS 16-2.6(6)-S680

S

SUBSTITUTE BIRTH CERTIFICATE -- FORMAT 16-2.6(6)-S6080

U

UNDERTAKERS
BURIAL OR TRANSIT PERMIT ENDORSEMENT, WHEN 16-2.6(6)-S6030
DISINTERMENT PERMITS 16-2.6(6)-S6130
DUTIES OF HEALTH OFFICER -- DEATH FROM COMMUNICABLE DISEASE 16-2.6(6)-S6040

V

VITAL RECORDS AND STATISTICS
BURIAL OR REMOVAL 16-2.6(6)-S6020
BURIAL OR TRANSIT PERMIT 16-2.6(6)-S6030
CERTIFICATE LEGIBLE, PERMANENT, UNFADING 16-2.6(6)-S670
CERTIFICATE OF ACCOUNTS 16-2.6(6)-S690
CERTIFICATE OF BIRTH 16-2.6(6)-S650
CHILD BORN OUT OF WEDLOCK, CERTIFICATE FOR 16-2.6(6)-S6110
COMMUNAL COLONIES, VITAL RECORDS 16-2.6(6)-S6120
DEATH CERTIFICATE TO BE SPECIFIC 16-2.6(6)-S6010
DELAYED BIRTH RECORDS 16-2.6(6)-S6070
DISINTERMENT PERMITS 16-2.6(6)-S6130
DIVORCE OR ANNULMENT -- FORMAT 16-2.6(6)-S6090
FEES FOR COPY AND RESEARCH 16-2.6(6)-S6060
HEALTH OFFICER TO BE NOTIFIED 16-2.6(6)-S6040
MARRIAGE RECORD -- FORMAT 16-2.6(6)-S6100
MONTHLY STATEMENT OF RETURNS BY REGISTRAR 16-2.6(6)-S680
RECORDS OF INSTITUTIONS 16-2.6(6)-S6000
REGISTRARS, PRESERVATION OF RECORDS 16-2.6(6)-S660
SUBSTITUTE BIRTH CERTIFICATE -- FORMAT 16-2.6(6)-S6080